

Appln No. 10/562,368
Amdt date March 12, 2009
Reply to Final Office action of January 27, 2009

REMARKS/ARGUMENTS

Claims 1-13 and 17-24 are pending in the above-referenced application.

Claims 5, 8, 11, 18 and 21-23 have been amended as indicated. Claims 14-16 have been canceled. No new matter has been added.


This is a response to the Final Office Action dated January 27, 2009 wherein the Examiner rejected: (1) claims 5, 8, 11, 14-16, 18 and 22 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; (2) claims 14-16 under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101; (3) claims 1-5, 13, 17, 19, 20, 22 and 23 under 35 U.S.C. 102(b) as being anticipated by EP Patent No. 0965443 A1 (Loretti); (4) claims 6, 18 and 21 under 35 U.S.C. 103(a) as being unpatentable over Loretti in view of U.S. Patent No. 5,741,566 (Hogstrom et al.); and (5) claims 7-12 and 24 under 35 U.S.C. 103(a) as being unpatentable over Loretti in view of U.S. Patent No. 5,262,375 (McKedy).

As provided by CFR § 1.116, Applicant has amended claims 5, 8, 11, 18 and 21-23 and canceled claims 14-16 to comply with the requirement of form set forth in the final Office Action and to present them in better form for consideration on appeal. Applicant respectfully requests timely entry of the above-indicated amendments.

Appln No. 10/562,368
Amdt date March 12, 2009
Reply to Final Office action of January 27, 2009

Should the Examiner find it necessary to speak with Applicant's agent, she is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,
KLEIN, O'NEILL & SINGH, LLP

By 
Brigitte C. Phan, Ph.D.
Reg. No. 61,941
949/955-1920

THD/bcp